

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

TRAVIS WAYNE TOLLEY,

*Plaintiff*

v.

BEN CALDWELL, et al,

*Defendants*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.: 7:19-cv-863

**DEFENDANT WIMER'S  
MOTION FOR SUMMARY JUDGMENT**

Defendant Troy Wimer, by counsel, moves for summary judgment as there is no genuine issue of material fact and Defendant is entitled to judgment as a matter of law pursuant to Fed. R. Civ. P. Rule 56.

For the additional reasons set forth in his memorandum in support filed herewith, this Defendant respectfully requests that this Court grant him summary judgment and afford him any additional relief as the case may require.

TROY WIMER,

By Counsel

By: /s/ Rosalie Pemberton Fessier

Rosalie Pemberton Fessier

VS # 39030

Brittany E. Shipley

VS # 93767

Attorneys for Defendants Flint & Wimer

Timberlake**Smith**

25 North Central Avenue

P. O. Box 108

Staunton, VA 24402-0108

phone: 540/885-1517

fax: 540/885-4537

email: [rfessier@timberlakesmith.com](mailto:rfessier@timberlakesmith.com)  
[bshipley@timberlakesmith.com](mailto:bshipley@timberlakesmith.com)

### CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2020, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Richard H. Milnor, Esquire  
Zunka, Milnor & Carter, Ltd.  
414 Park Street  
Charlottesville, VA 22902  
*Counsel for Buzzard*

Julian F. Harf, Esquire  
Jeremy E. Carroll, Esquire  
Guynn, Waddell, Carroll & Lockaby, P.C.  
415 S. College Avenue  
Salem, VA 24153  
*Counsel for Gardner*

Michael A. Jagels, Esquire  
Senior Assistant Attorney General  
Office of the Virginia Attorney General  
202 North Ninth Street  
Richmond, VA 23219  
*Counsel for Caldwell*

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Travis Wayne Tolley, #10646256  
Albemarle-Charlottesville Regional Jail  
160 Peregrine Lane  
Charlottesville VA 22902

\_\_\_\_\_  
/s/ Rosalie Pemberton Fessier  
Rosalie Pemberton Fessier  
VSB # 39030  
Brittany E. Shipley  
VSB # 93767  
Attorneys for Defendants Flint & Wimer

Timberlake**Smith**  
25 North Central Avenue  
P. O. Box 108  
Staunton, VA 24402-0108  
phone: 540/885-1517  
fax: 540/885-4537  
email: [rfessier@timberlakesmith.com](mailto:rfessier@timberlakesmith.com)  
[bshipley@timberlakesmith.com](mailto:bshipley@timberlakesmith.com)

Timberlake**Smith**  
.....  
Staunton, VA  
540.885.1517